

Senate File 345 - Introduced

SENATE FILE 345
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1044)

A BILL FOR

1 An Act relating to state and school antiharassment and
2 antibullying policies, providing for training for school
3 personnel, establishing a bullying and violence prevention
4 student mentoring pilot program, and providing for a school
5 climate and bullying work group.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 66. Subject to an appropriation of funds by
4 the general assembly, ensure each school district has access to
5 adequate training on conducting investigations of complaints of
6 incidents of harassment or bullying pursuant to section 280.28
7 by offering such training on an annual basis to at least one
8 employee per district.

9 Sec. 2. NEW SECTION. **256.34 Bullying and violence**
10 **prevention student mentoring pilot program.**

11 1. Subject to an appropriation of funds by the general
12 assembly, the department shall establish a student mentoring
13 pilot program to explore how student leadership can help
14 prevent bullying and violence in schools. The program shall
15 promote best practices for bullying and violence prevention for
16 middle and high school students.

17 2. The department shall establish the program in at least
18 two middle schools and two high schools in the state. The
19 selected schools shall include both urban and rural schools.

20 3. The department shall establish criteria for the
21 selection of participating schools and evaluation of the
22 program.

23 Sec. 3. Section 280.28, subsection 2, paragraphs a and c,
24 Code 2015, are amended to read as follows:

25 *a.* "Electronic" means any communication involving the
26 transmission of information by wire, radio, optical cable,
27 electromagnetic, or other similar means. "Electronic" includes
28 but is not limited to communication via electronic mail,
29 internet-based communications including social networking
30 sites, pager service, cell phones, and electronic text
31 messaging, or any other electronic communication site, device,
32 or means.

33 *c.* "Trait or characteristic of the student" includes but
34 is not limited to age, color, creed, national origin, race,
35 religion, marital status, sex, sexual orientation, gender

1 identity, physical attributes, physical or mental ability or
2 disability, ancestry, political party preference, political
3 belief, socioeconomic status, ~~or~~ behavior, or
4 any other distinguishing characteristic. This paragraph shall
5 be construed broadly to achieve the purposes of this section.

6 Sec. 4. Section 280.28, subsection 3, Code 2015, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *h.* A procedure for the notification as
9 soon as practicable of the parents or guardians of the alleged
10 targeted students and perpetrators in a reported incident
11 of harassment or bullying. The procedure shall include an
12 exception to the notification requirement if a school official
13 or a student whose parent or guardian would otherwise be
14 notified reasonably believes notification would subject the
15 student to rejection, abuse, or neglect.

16 Sec. 5. Section 280.28, Code 2015, is amended by adding the
17 following new subsections:

18 NEW SUBSECTION. 9. *Authority off school grounds.*

19 *a.* A school official may investigate and impose school
20 discipline in a founded case of harassment or bullying that
21 occurs outside of school, off of school property, or away from
22 a school function or school-sponsored activity if all of the
23 following apply:

24 (1) A parent, guardian, student, school employee, or
25 volunteer reports an incident of harassment or bullying
26 pursuant to the school's policy adopted under subsection 3,
27 paragraph "e".

28 (2) The alleged incident of harassment or bullying has
29 an effect on a student on school grounds that creates an
30 objectively hostile school environment that meets one or more
31 of the conditions set out under subsection 2, paragraph "b".

32 *b.* A school official's investigation and response to an
33 alleged incident of bullying or harassment that occurs outside
34 of school, off of school property, or away from a school
35 function or school-sponsored activity may include referring the

1 matter to appropriate community-based agencies.

2 NEW SUBSECTION. 10. *Rule of construction.* This section
3 shall not be construed to diminish a school administrator's
4 discretion to impose discipline or take other action in the
5 case of an unfounded incident of harassment or bullying if a
6 student's behavior otherwise constitutes student misconduct
7 based on other grounds.

8 Sec. 6. Section 282.18, subsection 11, Code 2015, is amended
9 to read as follows:

10 11. A pupil who participates in open enrollment for purposes
11 of attending a grade in grades nine through twelve in a school
12 district other than the district of residence is ineligible to
13 participate in varsity interscholastic athletic contests and
14 athletic competitions during the pupil's first ninety school
15 days of enrollment in the district except that the pupil may
16 participate immediately in a varsity interscholastic sport if
17 the pupil is entering grade nine for the first time and did
18 not participate in an interscholastic athletic competition for
19 another school or school district during the summer immediately
20 following eighth grade, if the district of residence and the
21 other school district jointly participate in the sport, if the
22 sport in which the pupil wishes to participate is not offered
23 in the district of residence, if the pupil chooses to use
24 open enrollment to attend school in another school district
25 because the district in which the student previously attended
26 school was dissolved and merged with one or more contiguous
27 school districts under section 256.11, subsection 12, if the
28 pupil participates in open enrollment because the pupil's
29 district of residence has entered into a whole grade sharing
30 agreement with another district for the pupil's grade, or if
31 the parent or guardian of the pupil participating in open
32 enrollment is an active member of the armed forces and resides
33 in permanent housing on government property provided by a
34 branch of the armed services, or if the district of residence
35 determines that the pupil was subject to a founded incident

1 of harassment or bullying as defined in section 280.28 while
2 attending school in the district of residence in the current or
3 previous school year and both the district of residence and the
4 other school district agree to allow the pupil to participate
5 immediately in a varsity interscholastic sport. A pupil who
6 has paid tuition and attended school, or has attended school
7 pursuant to a mutual agreement between the two districts,
8 in a district other than the pupil's district of residence
9 for at least one school year is also eligible to participate
10 immediately in interscholastic athletic contests and athletic
11 competitions under this section, but only as a member of a team
12 from the district that pupil had attended. For purposes of
13 this subsection, "*school days of enrollment*" does not include
14 enrollment in summer school. For purposes of this subsection,
15 "*varsity*" means the same as defined in section 256.46.

16 Sec. 7. SCHOOL CLIMATE AND BULLYING WORK GROUP.

17 1. The department of education shall convene a
18 public-private work group of representatives of state and local
19 agencies, citizens, community groups, and organizations who
20 have experience and expertise in the areas of antibullying
21 education, research, and training. The work group, after
22 reviewing existing research, data, and strategies, shall
23 provide recommendations to the department regarding best
24 practices, training, resources, additional research needs,
25 data collection, changes to state law and administrative
26 rules, and any other matters to enhance statewide school
27 climate improvement and bullying prevention, awareness, and
28 intervention.

29 2. The membership of the work group shall include but not be
30 limited to the following, to be appointed by the director:

31 a. At least three Iowans who are experts in research-based
32 antibullying curricula or programs.

33 b. A public or nonpublic high school student.

34 c. A parent of an elementary or secondary school student.

35 d. A member from nominees submitted by the school

1 administrators of Iowa.

2 e. A member from nominees submitted by the Iowa association
3 of school boards.

4 f. A member from nominees submitted by the Iowa state
5 education association.

6 g. Representatives from any organizations representing
7 other relevant school professionals.

8 h. A representative from a statewide organization that
9 provides research-based training on bullying for school
10 professionals.

11 i. A representative from at least one statewide
12 organization with at least five years' experience in advocating
13 on bullying prevention based on research-based best practices.

14 j. A representative for children placed in foster care.

15 k. A representative of school counselors.

16 l. A member from nominees submitted by the Iowa parent
17 teacher association.

18 3. When making appointments to the work group, the director
19 shall ensure that public, nonpublic, urban, and rural schools
20 are adequately represented by the membership of the work group.

21 4. The work group shall also include two ex officio members
22 of each house of the general assembly. One member each shall
23 be selected by the majority leader of the senate and by the
24 minority leader of the senate, and one member each shall be
25 selected by the speaker of the house of representatives and by
26 the minority leader of the house of representatives. Members
27 of the general assembly shall serve for terms as provided in
28 section 69.1B and shall be entitled to receive per diem and
29 necessary travel and actual expenses pursuant to section 2.10,
30 subsection 5, while carrying out their official duties as
31 members of the work group.

32 5. The department shall convene the work group by October
33 1, 2015. The work group shall submit its findings and
34 recommendations in a final report to the department and the
35 chairpersons and ranking members of the senate and house

1 education committees by December 15, 2016.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill requires the director of the department of
6 education, subject to an appropriation of funds by the general
7 assembly, to ensure each school district has access to adequate
8 training on conducting investigations of complaints of
9 incidents of harassment or bullying pursuant to Code section
10 280.28, the state law relating to school antiharassment and
11 antibullying policies, by offering such training on an annual
12 basis to at least one employee per district.

13 The bill requires the department of education, subject to an
14 appropriation of funds by the general assembly, to establish
15 a student mentoring pilot program to explore how student
16 leadership can help prevent bullying and violence in schools.
17 The program shall promote best practices for bullying and
18 violence prevention for middle and high school students. The
19 department must establish the program in at least two middle
20 schools and two high schools, which shall include both urban
21 and rural schools. The department must establish criteria
22 for selection of participating schools and evaluation of the
23 program.

24 The bill modifies the definition of "electronic" under Code
25 section 280.28 by adding any other electronic communication
26 site, device, or means to the definition and by including
27 social networking sites as part of the term "internet-based
28 communications".

29 Under Code section 280.28, subsection 2, "harassment" and
30 "bullying" shall be construed to mean any electronic, written,
31 verbal, or physical act or conduct toward a student which is
32 based on any actual or perceived trait or characteristic of
33 the student and which creates an objectively hostile school
34 environment that meets one or more of certain conditions. The
35 bill modifies the definition of "harassment" and "bullying"

1 under Code section 280.28 by adding behavior or any other
2 distinguishing characteristic to the definition. The bill
3 provides that the definition of "harassment" and "bullying" is
4 to be construed broadly to achieve the purposes of the law.

5 The bill requires school antiharassment and antibullying
6 policies to include a procedure for the notification as soon as
7 practicable of the parents or guardians of the alleged targeted
8 students and perpetrators in a reported incident of harassment
9 or bullying. The procedure must include an exception to the
10 notification requirement if a school official or a student
11 whose parent or guardian would otherwise be notified reasonably
12 believes notification would subject the targeted student to
13 rejection, abuse, or neglect.

14 The bill grants school officials the authority to
15 investigate and impose school discipline or take other action
16 in cases of alleged incidents of harassment or bullying that
17 occur outside of school, off of school property, or away from
18 school functions or school-sponsored activities if certain
19 conditions are met. Those conditions are that a parent,
20 guardian, student, school employee, or volunteer reports an
21 incident of harassment or bullying pursuant to the school's
22 antiharassment and antibullying policy; and that the alleged
23 incident of harassment or bullying has an effect on school
24 grounds that creates an objectively hostile school environment
25 that places the student in reasonable fear of harm to the
26 student's person or property; has a substantially detrimental
27 effect on the student's physical or mental health; has the
28 effect of substantially interfering with a student's academic
29 performance; or has the effect of substantially interfering
30 with the student's ability to participate in or benefit from
31 the services, activities, or privileges provided by a school.

32 The bill provides that a school official's investigation
33 and response to an alleged incident of bullying or harassment
34 that occurs outside of school, off of school property, or away
35 from a school function or school-sponsored activity may include

1 referring the matter to appropriate community-based agencies.

2 The bill provides that Code section 280.28 shall not be
3 construed to diminish a school administrator's discretion
4 to impose discipline or take other action in the case of an
5 unfounded incident of harassment or bullying if a student's
6 behavior otherwise constitutes student misconduct based on
7 other grounds.

8 Current law provides that a high school student who
9 participates in open enrollment in a school district other
10 than the student's district of residence is ineligible to
11 participate in varsity interscholastic athletic contests and
12 athletic competitions during the student's first 90 school
13 days of enrollment in the district. However, a student may
14 participate in a varsity interscholastic sport immediately upon
15 open enrollment under various exceptions to that requirement.

16 The bill adds an additional exception if a student's
17 district of residence determines that the student was subject
18 to a founded incident of harassment or bullying while attending
19 school in the district of residence in the current or previous
20 school year and both the district of residence and the other
21 school district agree to allow the pupil to participate
22 immediately in a varsity interscholastic sport.

23 The bill requires the department of education to convene
24 a public-private work group of representatives of state and
25 local agencies, citizens, community groups, and organizations
26 who have experience and expertise in the areas of antibullying
27 education, research, and training. The work group, after
28 reviewing existing research, data, and strategies, shall
29 provide recommendations to the department regarding matters
30 to enhance statewide school climate improvement and bullying
31 prevention, awareness, and intervention. The bill provides for
32 membership of the work group to be appointed by the director of
33 the department. When making appointments to the work group,
34 the director must ensure that public, nonpublic, urban, and
35 rural schools are adequately represented by the membership

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1 of the work group. The work group shall also include ex
2 officio legislative members. The department must convene the
3 work group by October 1, 2015. The work group must submit
4 its findings and recommendations in a final report to the
5 department and the chairpersons and ranking members of the
6 senate and house education committees by December 15, 2016.